

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

PHILLIP MORRISON,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-24-274-SLP
)	
WILLIAM CHRIS RANKINS,)	
)	
Respondent.)	

ORDER


Petitioner, a state prisoner appearing pro se, filed a “Motion to Vacate Writ of Habeas Corpus” [Doc. No. 1], which the Court construes as a request for relief pursuant to 28 U.S.C. § 2254. On July 3, 2024, United States Magistrate Judge Suzanne Mitchell entered a Report and Recommendation recommending the Court dismiss the Petition “for lack of jurisdiction as a second or successive habeas petition without Tenth Circuit authorization. [Doc. No. 9] at 2.

Petitioner was advised that he could object to the R. & R. on or before July 24, 2024, and that failure to timely object could result in the waiver of his right to appellate review of the factual and legal issues raised. On Petitioner’s motion [Doc. No. 10], the Court extended his deadline to file an objection until August 23, 2024. *See* [Doc. No. 11]. To date, Petitioner has not filed an objection to the R. & R., nor has he sought an additional extension of time. Upon review, the Court concurs with the analysis set forth in the R. & R.

IT IS THEREFORE ORDERED that the R. & R. [Doc. No. 9] is ADOPTED in its entirety, and this matter is DISMISSED WITHOUT PREJUDICE. A separate Judgment of Dismissal shall be entered contemporaneously with this Order

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, the Court must issue or deny a certificate of appealability (COA) when it enters a final order adverse to a petitioner. A COA may issue only upon “a substantial showing of the denial of a constitutional right.” *See* 28 U.S.C. § 2253(c)(2). When the district court dismisses a habeas petition on procedural grounds, the petitioner must make this showing by demonstrating both “[1] that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and [2] that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court finds that reasonable jurists would not debate the correctness of the Court’s determination. The Court therefore denies a COA.

IT IS SO ORDERED this 3rd day of September, 2024.



SCOTT L. PALK
UNITED STATES DISTRICT JUDGE